

REMARKS

Claims 1, 3, 4, 8, 9, 12-18 and 20-38 are pending.

Claims 2, 5-7, 10-11, and 19 have been cancelled.

In the Office Action dated November 12, 2008, claims 1, 3, 8, 30-33, 35 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilhousen (US 5,697,055) in view of Dolan (US 2002/0057653). Claims 4, 7, 9, 12-15, 36 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilhousen in view of Dolan, and further in view of Bender (US 2006/0148511).

It is respectfully submitted that independent claim 1 is non-obvious over Gilhousen in view of Dolan.

Independent claim 1 recites a method of performing wireless communications comprising:

- communicating bearer traffic for a packet-switched communications session between a mobile station and a first base station associated with a first type of wireless system;
- determining if handoff is required from the first base station to a second base station associated with a second, different type of wireless system; and
- in response to determining that the handoff is required, sending a message from the first base station to the second base station over an interface between the first base station and second base station, the message indicating to the second base station that handoff is required.

With respect to claim 1, the Office Action conceded that Gilhousen fails to disclose the last clause of claim 1. 11/12/2008 Office Action at 2-3. However, the Office Action cited Dolan as purportedly disclosing the claimed subject matter missing from Gilhousen.

It is respectfully submitted that no reason existed that would have prompted a person of ordinary skill in the art to combine the teachings of Gilhousen and Dolan. Gilhousen in columns 8, 9, 10, and 11 describes the handoff procedures that could be performed in a multi-system arrangement that includes two systems employing different air interfaces. In **each** of these procedures, control messages are exchanged between MSC I (a first mobile switching center) and MSC II (a second mobile switching center) for the two respective systems. A basic procedure is identified in column 9, at lines 19-38, of Gilhousen. Variations of this basic procedure are

identified as methods 1-5 in columns 9-12 of Gilhausen. In each of the Gilhausen methods 1-5, to perform a handoff, the MSC I and the MSC II must exchange messaging to perform allocation of channel resources and to perform other setup tasks. In none of these Gilhausen methods that involve multiple systems with associated MSCs (MSC I and MSC II) is there any communication of a message from one base station (associated with a first type of wireless system) to a second base station (associated with a second, different type of wireless system), over an interface between the first and second base stations, where the message indicates to the second base station that handoff is required.

In short, Gilhausen would have led a person of ordinary skill in the art away from using an interface between first and second base stations for sending a message from the first base station to the second base station to indicate to the second base station the handoff is required.

Moreover, Dolan teaches subject matter that is unrelated to the claimed subject matter. In fact, the teachings of Dolan are inconsistent with the teachings of Gilhausen. Although Dolan refers to two protocols in ¶ [0010], these two protocols refer to a first protocol to communicate between an SDU and an interconnection processor of a base station, and a second protocol to communicate between the SDU and a call controller of a base station. These two protocols have nothing to do with base stations associated with different types of wireless systems that are able to communicate with a mobile station. Dolan proposes the use of first and second packet interconnection protocols, where a first packet interconnection protocol “establishes an interface between a selection distribution unit (SDU) for performing frame selection and voice transcoding, and a base station interconnection processor for transmitting control information, signaling and user traffic to mobile stations.” Dolan, ¶ [0010]. This is illustrated in Fig. 2 of Dolan, where a link 231 between the SDU 224 in the source base station 220 and the call controller 242 in the target base station 240 uses the second protocol, while the link 233 between the SDU 224 in the source base station and the interconnection processor 244 in the target base station uses the first protocol. *Id.*, ¶¶ [0022], [0025]. As noted by Dolan, the use of an SDU and the first and second packet interconnection protocols enhances flexibility. *Id.*, ¶ [0034]. Thus, the two protocols referred to in Dolan refers to protocols to communicate between an SDU and an interconnection processor of a base station, and a second protocol to communicate between the SDU and a call controller of a base station.

In other words, Dolan clearly does not provide any teaching that would have prompted a person of ordinary skill in the art to modify Gilhousen to achieve the claimed invention, particularly in light of the specific teaching in Gilhousen that handoffs in a multi-system environment require 2 MSCs to be involved, where MSC I and MSC II must exchange messages with each other to allow the handoff to occur.

Since no reason existed that would have prompted a person of ordinary skill in the art to combine the teachings of Gilhousen and Dolan, the obviousness rejection is clearly defective. *See KSR International Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d 1385 (2007).

Independent claim 16 and 24 are similarly allowable over Gilhousen and Dolan.

Dependent claims are allowable for at least the same reasons as corresponding independent claims. In view of the allowability of base claims over Gilhousen and Dolan, it is respectfully submitted that the obviousness rejection of dependent claims over Gilhousen, Dolan and Bender has also been overcome.

Allowance of all claims is respectfully requested.

The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 14-1315 (13837RRUS02U).

Respectfully submitted,



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